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successor by merger to BAC Home Loans
Servicing, LP fka Countrywide Home Loans, LP*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BANK OF AMERICA, N.A., SUCCESSOR BY
MERGER TO BAC HOME LOANS
SERVICING, LP FKA COUNTRYWIDE
HOME LOANS SERVICING LP,

Plaintiff,

v.

FOREST HILLS HOMEOWNERS
ASSOCIATION, INC.; and ALESSI &
KOENIG, LLC,

Defendants.

Case No.: 2:16-cv-00520-RFB-NJK

**STIPULATION AND ORDER OF FINAL
JUDGMENT CONFIRMING EXISTENCE
AND VALIDITY OF DEED OF TRUST
AND FOR DISMISSAL OF CLAIMS
WITH PREJUDICE**

Plaintiff Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP
f/k/a Countrywide Home Loans Servicing, LP (**BANA**) and defendant Forest Hills Homeowner's
Association, Inc. (**Forest Hills**) stipulate as follows:

1. This matter relates to real property located at 3912 Landsdown Place, Las Vegas,
Nevada 89121, APN 161-18-812-003, more specifically described as:

PARCEL I:

Lot ninety-six (96) in Block Sixteen (16) of Forest Hills Unit 3, as shown by Map thereof on
file in Book 24 of Plats, Page 70, in the Office of the County Recorder of Clark County,
Nevada.

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1 PARCEL II:

2 Together with a right of way and easements over and across the common areas and private
3 streets as delineated on said plat.

4 2. BANA is the beneficiary of record of a deed of trust encumbering the property dated
5 February 20, 2009 and recorded with the Clark County Recorder on February 25, 2009, as
6 Instrument No. 20090225-0005245 (the **deed of trust**).

7 3. On March 25, 2014, Forest Hills recorded a trustee's deed upon sale with the Clark
8 County Recorder, as Instrument No. 20140325-0001632 (the **HOA foreclosure deed**), reflecting
9 Forest Hills purchased the property at a foreclosure sale conducted by Alessi & Koenig, LLC
10 (**Alessi**) on August 28, 2013 (the **HOA sale**). Forest Hills has not transferred its interest in the
11 property and is still the title holder of record.

12 4. On March 9, 2016, BANA initiated a quiet title action against Forest Hills and Alessi
13 in the United States District Court for the District of Nevada, under Case No. 2:16-cv-00520-RFB-
14 NJK.

15 5. BANA and Forest Hills have entered into a confidential settlement agreement in
16 which they have settled all claims between them in this case. This stipulation and order applies to
17 the matters addressed in this particular case only and has no relevance to any other matter.
18 Moreover, nothing in this stipulation shall be construed as an admission of the facts or legal
19 conclusions at issue in this action, or as an admission of liability by any party, which liability is
20 expressly denied.

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1 6. BANA and Forest Hills stipulate and agree that judgment for quiet title shall be
2 entered in favor of BANA. The deed of trust survived and was not extinguished in any capacity by
3 the HOA sale. The deed of trust remains a valid encumbrance against the property following the
4 recordation of the HOA foreclosure deed, and Forest Hills' ownership interest in the property is
5 subject to the deed of trust.

6 7. BANA and Forest Hills have resolved all of their claims and disputes, and stipulate
7 and agree to the dismissal of all remaining claims among them, with prejudice, with each party to
8 bear its own attorneys' fees and costs.

9 8. BANA also hereby voluntarily dismisses its claims in this action as against Alessi,
10 with prejudice.

11 9. The parties further stipulate and agree that a copy of this Stipulation and Order may
12 be recorded in the Official Records of Clark County, Nevada, in accordance with the Rules of the
13 Recorder's Office.

14 DATED: September 19, 2019.

15
16 **AKERMAN LLP**

17 /s/ William S. Habdas

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 Attorneys for defendant Forest Hills
 Homeowner's Association, Inc.

ORDER

Based on the above stipulation between plaintiff Bank of America, N.A. (**BANA**) and defendant Forest Hills Homeowner's Association, Inc. (**Forest Hills**), the parties' agreement, and good cause appearing,

IT IS ORDERED that judgment for quiet title is entered in favor of BANA. The deed of trust dated February 20, 2009 and recorded with the Clark County Recorder on February 25, 2009, as Instrument No. 20090225-0005245 against the property located at 3912 Landsdown Place, Las Vegas, Nevada 89121 (APN: 161-18-812-003), was not extinguished, impaired, or otherwise affected by the foreclosure sale of the property conducted by Forest Hills and Alessi & Koenig, LLC or the recording of the trustee's deed upon sale with the Clark County Recorder on March 25, 2014, as Instrument No. 20140325-0001632, reflecting that Forest Hills purchased the property at the HOA foreclosure sale. Forest Hills' ownership interest in the property is subject to the deed of trust.

IT IS FURTHER ORDERED that BANA shall be entitled to record this Stipulation and Order in the Official Records of Clark County, Nevada, in accordance with the Rules of the Recorder's Office.

IT IS FURTHER ORDERED that all remaining claims asserted in this action are dismissed with prejudice

IT IS FURTHER ORDERED that each party shall bear its own attorneys' fees and costs.

IT IS FURTHER ORDERED that, as this Stipulation and Order resolves all claims asserted in this matter, this action shall be closed.

DATED this 20th day of September, 2019.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE